# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200 MCLEAN, VIRGINIA 22102 703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NAGE
THOMAS GUTIERREZ\*
ELIZABETH R. SACHS\*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ\*
TODD B. LANTOR\*
STEVEN M. CHERNOFF\*
KATHERINE PATSAS NEVITT\*

DEILA REZANAVAZ

OF COUNSEL

GEORGE L. LYON, JR.

LEONARD S. KOLSKY\*

JOHN CIMKO\*

J. K. HAGE III\*

JOHN J. MCAVOY\*

HON. GERALD S. MCGOWAN\*

TAMARA DAVIS BROWN\*

JEFFREY A. MITCHELL

ROBERT S. KOPPEL\*

CONSULTING ENGINEERS

ALI KUZEHKANANI

\*NOT ADMITTED IN VA

Writer's Direct Dial (703) 584-8672 tamara.davisbrown@fcclaw.com

March 1, 2011

### VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary Office of the Secretary Federal Communications Commission 445 12th Street, S.W., Suite TW-A325 Washington, DC 20554

RE: Annual 47 C.F.R. § 64.2009(e) CPNI Certification

Covering Calendar Year 2010

EB Docket No. 06-36 Triangle SMR, Inc. 499 Filer ID: 827694

Dear Ms. Dortch:

Triangle SMR, Inc., by its attorneys and pursuant to Section 64.2009(e) of the Commission's rules, hereby submits its 2010 CPNI Certification and Accompanying Statement.

If there are any questions regarding this submission, please contact the undersigned.

Very truly yours,

Tamara Davis Brown

Lamara Daris Brown

Enclosures

cc: Best Copy and Printing, Inc.

## TRIANGLE SMR, INC. P.O. BOX 21098 BEAUMONT, TEXAS 77720

PHONE: 409-842-1776

VIA ELECTRONIC FILING

Marlene H. Dortch, Office of the Secretary Federal Communications Commission 445 12<sup>th</sup> Street, SW Suite TW-A325 Washington, D.C. 20554

Re: Annual 47 C.F.R. § 64.2009(e) CPNI Certification

Covering Calendar Year 2010

EB Docket No. 06-36 Triangle SMR, Inc. 499 Filer ID: 827694

### CERTIFICATION

I, Glenroy Weishuhn, hereby certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures effective during the calendar year 2010 that are adequate to ensure compliance with the Customer Proprietary Network Information rules set forth in 47 C.F.R. §§ 64.2001 et seq. of the rules of the Federal Communications Commission.

Attached to this certification is an accompanying statement that (i) explains how the company's procedures ensure that the company is in compliance with the requirements set forth in 47 C.F.R. §§ 64.2001 et seq. of the rules, (ii) explains any actions taken against data brokers during the past year, (iii) summarizes all customer complaints received in the past year concerning the unauthorized release of CPNI and (iv) reports information known to the company regarding tactics pretexters may be using to attempt access to CPNI.

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

eishul

Name: Glenroy Weishuhn

Title: Secretary / Treasurer

Date: March 1, 2011

Triangle SMR, Inc. 499 Filer ID: 827694 CPNI Certification

#### STATEMENT

Triangle SMR, Inc. ("Carrier") is not interconnected to the Public Switch Telephone Network ("PSTN"), and consequently does not have the type of confidential and proprietary information that the Federal Communication Commission ("Commission") customer proprietary network information ("CPNI") regulations are designed to protect.

Carrier offers only two-way dispatch service, where communications are between operators of mobiles and portables in the field and a dispatcher at a console in an office. Carrier's facilities are used by business customers, not by consumers, and fill a very specific, niche communications requirement for one-to-many mobile transmissions. They involve business, not personal, communications and, by their nature, are far from private. Therefore, there is little or no likelihood that Carrier will ever have information that requires CPNI protection.

Nevertheless, and out of an abundance of caution, Carrier has established the operating procedures detailed below that ensure compliance with the Commission's regulations regarding the protection of CPNI:

- Carrier has adopted a manual and keeps it updated with FCC CPNI rule revisions, and has designated a CPNI compliance officer to oversee CPNI training and implementation.
- Carrier continually educates and trains its employees regarding the appropriate use of CPNI. Carrier has established disciplinary procedures should an employee violate the CPNI procedures established by Carrier.
- Carrier has implemented a system whereby the status of a customer's CPNI approval can be determined prior to the use of CPNI.
- Carrier maintains a record of its and its affiliates' sales and marketing campaigns that use
  its customers' CPNI. Carrier also maintains a record of any and all instances where CPNI
  was disclosed or provided to third parties, or where third parties were allowed access to
  CPNI. The record includes a description of each campaign, the specific CPNI that was
  used in the campaign, and what products and services were offered as a part of the
  campaign.
- Carrier has established a supervisory review process regarding compliance with the CPNI
  rules with respect to outbound marketing situations and maintains records of carrier
  compliance for a minimum period of one year. Specifically, Carrier's sales personnel
  obtain supervisory approval of any proposed outbound marketing request for customer
  approval regarding its CPNI, and a process ensures that opt-out elections are recorded
  and followed.

Triangle SMR, Inc. 499 Filer ID: 827694 CPNI Certification

- Carrier has established procedures to notify law enforcement and customer(s) of unauthorized disclosure of CPNI in accordance with FCC timelines.
- Carrier took the following actions against data brokers in 2010, including proceedings instituted or petitions filed by Carrier at a state commission, in the court system, or at the Federal Communications Commission: None
- The following is information Carrier has with respect to the processes pretexters are
  using to attempt to access CPNI, and [if any] what steps carriers are taking to protect
  CPNI: Carrier has determined that no pretexter has attempted to access CPNI on
  Carrier's system.
- The following is a summary of all customer complaints received in 2010 regarding the unauthorized release of CPNI:
  - Number of customer complaints Carrier received in 2010 related to unauthorized access to CPNI, or unauthorized disclosure of CPNI: None
  - Category of complaint:
    - <u>0</u> Number of instances of improper access by employees
    - <u>0</u> Number of instances of improper disclosure to individuals not authorized to receive the information
    - <u>0.</u> Number of instances of improper access to online information by individuals not authorized to view the information
    - 0 Number of other instances of improper access or disclosure
  - o Description of instances of improper access or disclosure: None